

## REMARKS

The Invention

In general, the invention features a method of reducing cell death by administering a peptide that includes the sequence Val-Asp-Val.

Summary of the Office Action

Claims 1-10, 12, 19, and 20 are pending. Claims 1-10, 12, and 19 stand rejected for inadequate written description and overbreadth. Claim 20 stands withdrawn as being directed to nonelected subject matter.

Summary of the Amendments

Claim 1 has been amended to replace "treating or preventing" with "reducing." Newly added claims 24-27 recite that the warm-blooded animal is a human. Support for these amendments is found throughout the specification (e.g., at page 20, lines 4-13). No new matter has been added.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-10, 12, and 19 are rejected for inadequate written description and overbreadth for reciting that cell death can be "prevented" because "[c]ell death in an animal is an irreversible biological event which cannot be completely avoided, i.e., prevented." Applicants have amended claim 1, the sole independent claim, to be directed to a method of reducing cell death. In a teleconference with Michael

Belliveau, an agent of the undersigned, the Examiner agreed that this amendment would overcome the § 112 rejections and place the claims in condition for allowance.

#### Cited References

Applicants respectfully request that the references cited on the Form PTO-1449 submitted on July 31, 2001 be considered and that the Form PTO-1449 be initialed and returned. Copies of the Form PTO-1449, Information Disclosure Statement, and return postcard are attached herewith.

Applicants also request that Torrens Madrazo and Podlasek, cited by the Examiner in the first Office Action, be listed on a Form PTO-892 and that a copy of the Form PTO-892 be mailed to the undersigned.

#### Conclusion

Applicants submit that the claims are now in condition for allowance. Should the Examiner deem that there are remaining issues, applicants request that the Examiner phone the undersigned so that these issues can be discussed. Enclosed is a petition to extend the period for submitting a reply in connection with this case for two months, to and including January 11, 2004. If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

*January 5, 2004*

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**\*\*NEW US APPLICATION\*\***

PATENT

ATTORNEY DOCKET NUMBER: 50216/003004

The U.S. PTO date stamp sets forth the date of receipt and serial number of new U.S. patent application;

Applicant: Gerald Krystal et al.Title: PEPTIDES AND THEIR USE TO AMELIORATE CELL DEATH

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